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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,819	10/27/1999	ENGELBERTUS VAN WILLIGEN	PHN-17.166	3807
24737	7590	08/22/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NOBAHAR, ABDULHAKIM	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/427,819	VAN WILLIGEN, ENGELBERTUS	
	Examiner	Art Unit	
	Abdulhakim Nobahar	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



KAMBIZ ZAND  
PRIMARY EXAMINER

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to applicants' response received on June 10, 2006.
2. The amendments of claims 1, 4-7 and 9 cancellation of claims 3 and 10 are acknowledged.
3. Applicant's arguments with respect to the concurrent rendering of a plurality of services by the subscriber terminal in the rejection of claims 1, 4-7 and 9 under 35 USC § 102 are persuasive. Upon further consideration of the amended claims, a new ground(s) of rejection is made in addition to the previous rejections.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1, 4-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Brooks et al (5,973,684) (hereinafter Brooks).**

Referring to claims 1 and 7, Brooks discloses:

an information server coupled to an internet protocol gateway. See, for example, column 13, line 58- column 14, line 13.

A plurality of subscriber terminals coupled to the Internet protocol gateway, the subscriber terminals for receiving broadcast signals from the information server. See, for example, col. 5, lines 23-39 and col. 12, lines 40-67.

A return channel for transmitting information from a subscriber terminal to a head-end. See, for example, col. 3, lines 40-67 and col. 4, lines 14-39.

authentication means coupled to an internet protocol gateway, the authentication means for authorizing the access of the subscriber terminal to interactive services. See, for example, col. 12, lines 10-31; col. 18, lines 27-37; col. 22, lines 23-43.

wherein the subscriber terminal is configured to request from an authorization server using the internet protocol gateway, one or more of a plurality of services. See, for example, col. 17, lines 33-47 and col. 17, lines 47-62.

the authorization server configured to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server. See, for example, col. 22, lines 23-43.

the authorization server is configured to enable the subscriber to access said one or more plurality of services, wherein each requested service can be authorized separately and can be rendered concurrently by the subscriber terminal. See, for example, col. 3, lines 62-67, col. 18, lines 26-36, col. 21, lines 46-67, col. 22, lines 3-21 and col. 27, lines 42-55.

Referring to claim 4, Brooks discloses:

The broadcast network according to claim 1, wherein said services are transmitted using IP packets, and in that said message comprises information about at least one destination IP address to which IP packets from the subscriber station are passed. See, for example, column 1, lines 22-34, column 4, lines 6-13, column 6, lines 35-42 and column 8, lines 35-44.

Referring to claim 5, this claim is rejected as applied to like elements of claim 1 as above and further Brooks discloses:

Subscriber station for receiving broadcast signals. See, for example, column 5, lines 24-38.

Said subscriber stations being arranged for transmitting information via a return channel to a head-end. See, for example, col. 3, lines 40-67 and col. 4, lines 14-39.

Wherein the subscriber terminal comprises authorization transmitting means for transmitting authorization request messages to an authorization server. See, for example, column 10, lines 21-31.

The subscriber further being arranged for receiving authorization messages from the authorization server. See, for example, column 10, lines 21-31, column 15, lines 47-58 and column 18, lines 26-36.

And in that the subscriber station is arranged for requesting services from the head-end after receiving a positive authorization message. See, for example, column 15, lines 34-58.

wherein each requested service can be authorized separately and can be rendered concurrently by the subscriber terminal. See, for example, col. 3, lines 62-67 , col. 18, lines 26-36, col. 21, lines 46-67, col. 22, lines 3-21 and col. 27, lines 42-55.

Referring to claim 6, Brooks discloses:

A gateway for passing information from an information server to at least one subscriber terminal. See, for example, col. 5, lines 23-39 and col. 12, lines 40-67.

Wherein the gateway is arranged for requesting one or more of a plurality of services to an authorization server using a protocol network. See, for example, column 1, lines 22-34, column 4, lines 6-13, column 6, lines 35-42 and column 8, lines 35-44.

and in that the gateway is arranged for enabling the subscriber to access the one or more of a plurality of services in response to an authorization message received from

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the authorization server. See, for example, col. 18, lines 26-36, col. 21, lines 46-67 and col. 22, lines 3-21.

wherein each requested service can be authorized separately and can be rendered concurrently by the subscriber terminal. See, for example, col. 3, lines 62-67, col. 18, lines 26-36, col. 21, lines 46-67, col. 22, lines 3-21 and col. 27, lines 42-55.

Referring to claim 9, Brooks discloses:

Method according to claim 7, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, column 15, lines 20-29 and column 19, lines 12-23.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5946322 A to Moura et al.

US Patent No. 5195092 A to Wilson et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a



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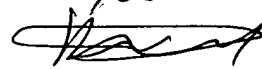
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abdulhakim Nobahar  
Examiner

Art Unit 2132 *a.n.*



KAMBIZ ZAND  
PRIMARY EXAMINER

August